

## NEVADA ADMINISTRATIVE CODE CHAPTER 444A

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Note: The Administrative code provided below was downloaded as .html text from the Nevada Legislative Counsel Bureau's website ([www.leg.state.nv.us](http://www.leg.state.nv.us)). See the footer for the date of the codification of the below regulations. This regulation contains all the citations for the Chapter. Only those citations affected by the State Environmental Commission, the Division of Environmental Protection and the Board to Review Claims are presented, unless otherwise noticed.

## CHAPTER 444A - PROGRAMS FOR RECYCLING

### Fee for Purchase of New Tire

**NAC 444A.005 Definitions.** As used in NAC 444A.005 to 444A.051, inclusive, unless the context otherwise requires, the words and terms defined in NAC 444A.011 to 444A.035, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.011 "Department" defined.** "Department" means the department of taxation.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.015 "Retail sale" and "sale at retail" defined.** "Retail sale" or "sale at retail" means a sale of tangible personal property for any purpose other than resale in the regular course of business.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.021 "Tire for a vehicle" defined.** "Tire for a vehicle" means a new tire for a motorized vehicle that is 12 inches or larger in diameter. The term does not include a recapped tire or a used tire which is sold again.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.025 "Tire retailer" defined.** "Tire retailer" includes:

1. Every person who:
  - (a) Is engaged in the business of selling tangible personal property of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax; and
  - (b) Makes any retail sale or sales of tires for vehicles.
2. Every person engaged in the business of making retail sales at auction of tires for vehicles whether the tires are owned by the person or others.
3. Every person making more than two retail sales of tires for vehicles during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.031 "Tire surcharge" defined.** "Tire surcharge" means the fee imposed pursuant to subsection 1 of NRS 444A.090 on each tire for a vehicle that is sold.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.035 "Vehicle" defined.** "Vehicle" has the meaning ascribed to it in NRS 444A.017.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.041 Registration of tire retailers: Requirement; procedure.**

1. A person shall not sell at retail a tire for a vehicle unless he has registered with the department as a tire retailer.

2. A person may register with the department by submitting a copy of a properly completed application for a permit to engage in or conduct business as a seller, as that term is defined in NRS 372.070, or by submitting a registration form. If a person registers by submitting a registration form, the form must:

- (a) State the name under which the registrant transacts or intends to transact business.
- (b) State the location and telephone number of the registrant's place or places of business.
- (c) Be signed:

- (1) If the owner is a natural person, by the owner.
- (2) If the owner is an association or partnership, by a member or partner.

(3) If the owner is a corporation, by an executive officer or other person specifically authorized by the corporation to sign the registration form. The person signing shall attach to the registration form written evidence of his authority to sign.

3. As used in this section, "tire retailer" does not include a person who transports or stores tires for vehicles without selling them at retail.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.045 Collection and remittance of tire surcharge; submission of monthly returns; assessment of penalties and interest.**

1. A tire retailer shall collect the tire surcharge from the purchaser of each tire for a vehicle sold for the purchaser's use and not for resale.

2. The tire surcharge collected by the tire retailer from the purchaser must be displayed separately from the list price of the tire, the price of the tire advertised in the premises, the marked price of the tire or other price of the tire on the sales receipt or other proof of sale. The tire surcharge must be identified as the State Recycling Fee on the sales receipt or other proof of sale and must be added after the calculation of any tax.

3. The tire retailer shall hold in an account the tire surcharge collected pursuant to this section until remitted to the department.

4. A tire retailer shall submit a monthly return on a form prescribed by the department. The return must include:

- (a) The total number of tires for vehicles sold at retail during the preceding month.
- (b) The total amount of tire surcharges collected.
- (c) The total amount of the tire surcharges retained by the tire retailer pursuant to NRS 444A.090.
- (d) The total amount of the tire surcharges payable to the department pursuant to NRS 444A.090.
- (e) The signature of the person required to file the return or of his authorized agent.

5. Each tire retailer shall, on or before the last day of the month following the month in which the tire surcharges are collected, deliver to the department the return and the remittance of the amount of the tire surcharges payable to the department.

6. A check tendered before the due date prescribed in this section, but subsequently dishonored after the due date, does not constitute timely payment.

7. The department may, for good cause, extend for a period not to exceed 1 month, the due date prescribed in this section for submitting a return or remittance of the tire surcharges.

8. The department may assess all applicable penalties and interest pursuant to chapters 360 and 372 of NRS for each month, or portion thereof, after the due date that the tire surcharges remain unpaid.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

**NAC 444A.051 Maintenance of records regarding tire surcharges.**

1. A tire retailer shall keep records regarding the tire surcharges collected and reported pursuant to NAC 444A.045. Upon request of the department, the records must be made available for examination by an auditor on behalf of the department.

2. Every tire retailer or person who files the returns required pursuant to NAC 444A.045 shall keep the records for not less than 4 years from their making unless the department in writing sooner authorizes their destruction.

3. Every tire retailer or person who fails to file the returns required pursuant to NAC 444A.045 shall keep the records for not less than 8 years from their making unless the department in writing sooner authorizes their destruction.

(Added to NAC by Dep't of Taxation, eff. 1-11-94)

## **PROGRAMS OF MUNICIPALITIES**

**NAC 444A.090 "Public building" defined. (NRS 444A.020, 444A.080) [Effective July 1, 2002.]**

1. "Public building" means any building or office space occupied by:

(a) Any component of the University and Community College System of Nevada and used for any purpose related to the system; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

2. If only part of a building is occupied by an entity described in subsection 1, the term means only that portion of the building which is so occupied.

(Added to NAC by Environmental Comm'n by R038-01, 10-25-2001, eff. 7-1-2002)

**NAC 444A.100 "Recyclable material" defined. [Effective through June 30, 2002.]**

1. As used in NAC 444A.100 to 444A.140, inclusive, "recyclable material" includes, but is not limited to:

- (a) Newspaper;
- (b) Corrugated cardboard;
- (c) Aluminum;
- (d) Yard debris;
- (e) Office paper;
- (f) Glass;
- (g) Tin and steel cans;
- (h) Metal;
- (i) Motor oil;
- (j) Plastic; and
- (k) Antifreeze.

2. As used in subsection 1, "yard debris" means material generated from plants, including trees, bushes and grass clippings on residential or business property.

(Added to NAC by Environmental Comm'n, eff. 11-10-92; A 10-3-96)

**NAC 444A.100 "Recyclable material" interpreted. (NRS 444A.020, 444A.080) [Effective July 1, 2002.]**

1. As used in NAC 444A.090 to 444A.140, inclusive, the state environmental commission will interpret the term "recyclable material" as defined in NRS 444A.013 to include, without limitation:

- (a) Newspaper;
- (b) Corrugated cardboard;
- (c) Aluminum;
- (d) Yard debris;
- (e) Office paper;
- (f) Glass;
- (g) Tin and steel cans;
- (h) Metal;
- (i) Motor oil;
- (j) Plastic; and
- (k) Antifreeze.

2. As used in subsection 1, "yard debris" means material generated from plants, including trees, bushes and grass clippings on residential or business property.

(Added to NAC by Environmental Comm'n, eff. 11-10-92; A 10-3-96; R038-01, 10-25-2001, eff. 7-1-2002)

**NAC 444A.110 Goal of provisions.** The goal of NAC 444A.110 to 444A.140, inclusive, is to adopt minimum standards which provide for the recycling of at least 25 percent of the total solid waste generated within a municipality by the end of the second full year following the adoption of the standards.

(Added to NAC by Environmental Comm'n, eff. 11-10-92)

**NAC 444A.120 Approval of program: Submission of request for approval and other material; criterion for approval. [Effective through June 30, 2002.]**

1. A municipality which makes a program available pursuant to NRS 444A.040 shall submit a request for approval of the program to the department. The request must be accompanied by:

(a) In a municipality whose population is more than 25,000:

(1) A statement setting forth the location of and types of recyclable material collected by each recycling center.

(2) A description of the program for the disposal of hazardous household products which sets forth:

(I) The location of and types of material collected by each collection site; and

(II) The schedule for the collection of the hazardous household products.

(3) A copy of all ordinances which:

(I) Govern the program; or

(II) Provide for the participation of the municipality in a program adopted by an adjoining municipality.

(4) Any other documentation and information which demonstrates that the program will ensure that the municipality will meet the goal set forth in NAC 444A.110.

(b) In a municipality whose population is more than 100,000, in addition to the documentation and information required by paragraph (a), copies of all contracts and agreements to provide for the separation at the source of recyclable material from other solid waste originating from the residential premises where services for the collection of solid waste are provided.

2. The department shall approve a program if the department determines that the program will contribute to the achievement of the municipality's goal set forth in NAC 444A.110.

3. As used in subsection 1, "recycling center" means a facility designed and operated to receive, store, process or transfer recyclable material.

(Added to NAC by Environmental Comm'n, eff. 11-10-92; A 10-3-96)

**NAC 444A.120 Approval of program: Submission of request for approval and other material; criterion for approval. (NRS 444A.020, 444A.080) [Effective July 1, 2002.]**

1. A municipality which makes a program available pursuant to NRS 444A.040 shall submit a request for approval of the program to the department. The request must be accompanied by:

(a) In a municipality whose population is 40,000 or more but less than 100,000:

(1) A statement setting forth the location of and types of recyclable material collected by each recycling center.

(2) A description of the program for the disposal of hazardous household products which sets forth:

(I) The location of and types of material collected by each collection site; and

(II) The schedule for the collection of the hazardous household products.

(3) A copy of all ordinances which:

(I) Govern the program; or

(II) Provide for the participation of the municipality in a program adopted by an adjoining municipality.

(4) Any other documentation and information which demonstrates that the program will ensure that the municipality will meet the goal set forth in NAC 444A.110.

(b) In a municipality whose population is 100,000 or more, in addition to the documentation and information required by paragraph (a), copies of all contracts and agreements to provide for the separation at the source of recyclable material from other solid waste originating from the residential premises and public buildings where services for the collection of solid waste are provided.

2. The department shall approve a program if the department determines that the program will contribute to the achievement of the municipality's goal set forth in NAC 444A.110.

3. As used in subsection 1, "recycling center" means a facility designed and operated to receive, store, process or transfer recyclable material.

(Added to NAC by Environmental Comm'n, eff. 11-10-92; A 10-3-96; R038-01, 10-25-2001, eff. 7-1-2002)

**NAC 444A.130 Program for disposal of hazardous household products; program for separation at source of recyclable material. [Effective through June 30, 2002.]**

1. A municipality which makes available in that municipality a program for the disposal of hazardous household products shall provide for the collection at least semiannually of used or waste motor oil, motor vehicle batteries and:

- (a) Paint and products associated with painting; or
- (b) Any other household, garage or garden products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

If a program for the disposal of hazardous household products is made available, it must be implemented on or before January 1, 1994.

2. A municipality which makes available in that municipality a program for the separation at the source of recyclable material shall designate at least three recyclable materials to be so separated.

(Added to NAC by Environmental Comm'n, eff. 11-10-92)

**NAC 444A.130 Program for disposal of hazardous household products; program for separation at source of recyclable material at residential premises or public buildings. (NRS 444A.020, 444A.080) [Effective July 1, 2002.]**

1. A municipality which makes available in that municipality a program for the disposal of hazardous household products shall provide for the collection at least semiannually of used or waste motor oil, motor vehicle batteries and:

- (a) Paint and products associated with painting; or
- (b) Any other household, garage or garden products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

If a program for the disposal of hazardous household products is made available, it must be implemented on or before January 1, 1994.

2. A municipality which makes available in that municipality a program for the separation at the source of recyclable material at residential premises shall designate at least three recyclable materials to be so separated.

3. A municipality which makes available in that municipality a program for the separation at the source of recyclable material at public buildings shall designate at least three recyclable materials to be so separated.

(Added to NAC by Environmental Comm'n, eff. 11-10-92; A by R038-01, 10-25-2001, eff. 7-1-2002)

**NAC 444A.135 Annual report of municipality with approved program due February 15.**

1. Each recycling center located in a municipality whose program has been approved by the department shall, not later than February 15 of each year, submit to the municipality, on a form approved by the division, a report for the preceding calendar year. The report must be certified by the recycling center and include the number of tons of material recycled for each type of recycled material.

2. The recycling center shall, upon the request of the municipality, provide any information, including, but not limited to, bills of lading, manifests and certified receipts which the municipality determines may be necessary to verify the report.

(Added to NAC by Environmental Comm'n, eff. 10-3-96)

**NAC 444A.140 Annual report of municipality with approved program due April 1.**

1. A municipality whose program has been approved by the department shall submit a report to the department on forms provided by the department. The report must be submitted on or before April 1 of each year. Except as otherwise required in subsection 2, the report must contain documentation and information concerning the previous calendar year, including:

- (a) The number of tons of material:
  - (1) Disposed of in a landfill or other similar disposal facility;
  - (2) Diverted from a landfill or other similar disposal facility; and
  - (3) Recycled for each type of recycled material.
- (b) An explanation and summary of any revision of the program.
- (c) To determine whether the program provided for the recycling of at least 25 percent of the total solid waste generated within the municipality, a calculation in which the total weight of material diverted from a landfill or other similar disposal facility is divided by the sum of:
  - (1) The total weight of material diverted from a landfill or other similar disposal facility; and
  - (2) The total weight of material disposed of in a landfill or other similar disposal facility.

2. If a program is implemented for less than a full year, the report required by subsection 1 must be based upon and the weights and calculation must reflect only that part of the year in which the program was implemented.

3. The report required by subsection 1 must be accompanied by verification of the number of tons of recycled material, generated within the municipality, which is sold or collected. The verification must be submitted on a form supplied by the department and include a statement certified by the municipality that the reports submitted to it pursuant to NAC 444A.135 have been certified by the recycling centers within the municipality.

4. As used in this section:

- (a) "Material diverted from a landfill":
  - (1) Includes:
    - (I) Recyclable material; and
    - (II) Material which was separated to be recycled from other waste material of the municipality.

- (2) Does not include:
- (I) Material not generated within the municipality; or
  - (II) Material that would not normally be disposed of in a landfill or other similar disposal facility.
- (b) "Material disposed of in a landfill or other similar disposal facility" does not include material not generated within the municipality.
- (Added to NAC by Environmental Comm'n, eff. 11-10-92; A 10-3-96)

## MISCELLANEOUS PROVISIONS

### **NAC 444A.150 Appeal of final decision of state department of conservation and natural resources.**

1. Any person who requests a hearing before the state environmental commission concerning a final decision of the state department of conservation and natural resources pursuant to chapter 444A of NRS may do so by filing a request, within 10 days after notice of the action of the department, on form 3\* with the State Environmental Commission, 333 West Nye Lane, Capitol Complex, Carson City, Nevada 89710.

2. The provisions of NAC 445B.875 to 445B.899, inclusive, apply to a hearing of the state environmental commission requested pursuant to subsection 1.

\*(See adopting agency for form.)

(Added to NAC by Environmental Comm'n, eff. 10-29-93)

## DISPOSAL OF WASTE TIRES

### General Provisions

**NAC 444A.200 Definitions.** As used in NAC 444A.200 to 444A.470, inclusive, unless the context otherwise requires, the words and terms defined in NAC 444A.210 to 444A.270, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.210 "Facility for the management of waste tires" defined.** "Facility for the management of waste tires" means a site where waste tires are deposited for processing, recycling or use as a fuel.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.220 "Generator of waste tires" defined.** "Generator of waste tires" means a person who possesses a tire at the time it becomes a waste tire, or at any time thereafter, until it is deposited with a facility for the management of waste tires or given to a hauler of waste tires.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.230 "Hauler of waste tires" defined.** "Hauler of waste tires" means a person who transports waste tires or materials derived from waste tires over the highways of this state. The term does not include a:

1. Collector of solid waste who operates pursuant to a license issued by a local government;
2. Person who generates and transports his own waste tires;
3. Governmental agency;
4. Person who transports used tires to be resold or retreadable casings to be retreaded;
5. Person who transports tires across state boundaries, but does not load or unload waste tires within this state;
6. Person who is directed by a solid waste management authority to transport waste tires for disposal; or
7. Person who transports products made from recycled waste tires for sale or other distribution.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.240 "Passenger tire equivalent" defined.** "Passenger tire equivalent" means a measure of waste tires or material derived from waste tires that is expressed as an equivalent number of passenger tires, where one waste tire or 20 pounds of material derived from waste tires equals one passenger tire equivalent.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.250 "Processing" defined.** "Processing" means preparing a waste tire for recycling, use as a fuel or disposal in a landfill by chipping, splitting or otherwise altering the tire.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.260 "Solid waste management authority" defined.** "Solid waste management authority" has the meaning ascribed to it in NAC 444.624.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)



**NAC 444A.270 "Waste tire" defined.** "Waste tire" means a tire that is not fit for use as a tire.  
(Added to NAC by Environmental Comm'n, eff. 12-15-94)

### **Permit to Operate Facility for Management of Waste Tires**

**NAC 444A.280 Permit required; exceptions.**

1. Except as otherwise provided in subsection 2, the owner or operator of a facility for the management of waste tires shall not accept waste tires for processing, recycling or for use as a fuel until he obtains a permit to operate a facility for the management of waste tires from the solid waste management authority.

2. The following businesses are not required to comply with subsection 1:

(a) A business which retreads tires and stores less than 3,000 passenger tire equivalents on the premises.

(b) A retail dealer of tires, or any other business that removes tires from motor vehicles, which stores less than 1,500 passenger tire equivalents on the premises.

(c) A disposal site which is authorized by the solid waste management authority to store waste tires or deposit waste tires in a landfill.

(d) Any business which stores less than 500 passenger tire equivalents on the premises.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.290 Application for permit: Contents.** Each applicant for a permit to operate a facility for the management of waste tires must complete an application on a form prescribed by the solid waste management authority. The application must include:

1. The name of the owner and operator of the facility;

2. The address of the location of the facility;

3. A plan of operation which complies with the requirements set forth in NAC 444A.350 and 444A.360;

4. A plan of the area where the tires will be stored at the facility which includes:

(a) The arrangement and size of the piles of tires in the storage area;

(b) The width of the fire lanes;

(c) The location of each building at the facility; and

(d) The methods to be used to control access to the facility;

5. An estimate of the number of passenger tire equivalents the facility will receive each year;

6. A description of the final use for the waste tires deposited or the available market for the material derived from tires after it is processed;

7. Proof of compliance with any applicable ordinances or other requirements of the state or local governments for permits;

8. Proof of compliance with any applicable ordinances or other requirements of the local fire authority;

9. The procedures:

(a) For the prevention of fire; and

(b) To be used if a fire occurs at the facility,

which must be approved by the local fire authority;

10. A copy of the plan to demonstrate financial assurance required by NAC 444A.410 and 444A.420; and

11. Any other information required by the solid waste management authority.

(Added to NAC by Environmental Comm'n, eff. 12-15-94; A 10-3-96)

**NAC 444A.300 Application for permit: Notification of applicant; submission of additional information.** A solid waste management authority shall, within 45 days after receiving an application for a permit to operate a facility for the management of waste tires, notify the applicant whether his application is complete. The solid waste management authority shall base its determination on whether the application contains all the documents and information required by NAC 444A.290. The solid waste management authority may require the applicant to submit any additional documents or information it deems necessary.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.310 Application for permit: Evaluation by solid waste management authority; notice of intent to issue or deny application; public notice.**

1. A solid waste management authority shall complete an evaluation of an application for a permit to operate a facility for the management of waste tires within 30 days after notifying the applicant that his application is complete.

2. Upon completion of the evaluation, the solid waste management authority shall:

(a) Issue to the applicant a notice of intent to issue or deny the permit; and

(b) Issue a public notice stating whether it intends to issue or deny the permit. The public notice must include a fact sheet which describes:

(1) The proposed facility;

(2) The proposed action;

(3) The availability of the documents which were evaluated; and

(4) The procedures for public review and comment.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.320 Application for permit: Period for public review; duties of solid waste management authority following period for public review.**

1. A solid waste management authority shall provide a period for the public review of an application for a permit to operate a facility for the management of waste tires. The period for public review is 30 days and begins on the date the solid waste management authority issues public notice pursuant to subsection 2 of NAC 444A.310. During this period, the applicant or any other interested person may submit to the solid waste management authority written comments concerning the permit. The period for public review may be concurrent with any other period for public review required by a local government for issuing permits.

2. Within 15 days after the period for public review has ended, the solid waste management authority shall issue the permit or provide written notice to the applicant which sets forth the reasons for the denial of the permit.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.330 Issuance; revocation or suspension of permit; request for modification of permit.** A permit to operate a facility for the management of waste tires which is issued by a solid waste management authority:

1. Must be issued to a specific owner or operator;
2. Is not transferable;
3. Is valid for 5 years;
4. May be renewed;
5. May be modified by the solid waste management authority if the statutes or regulations upon which the permit is based are amended or if a modification is otherwise necessary to protect the environment or public health;
6. May be revoked or suspended upon written notice by the solid waste management authority if the holder of the permit does not comply with applicable statutes or regulations or the conditions upon which the solid waste management authority issued the permit; and
7. May be modified by the owner or operator if the modification is approved by the solid waste management authority. The owner or operator must submit a written request for a modification of the permit to the solid waste management authority. A proposed modification of a permit may be subject to public notice and 30 days of public review if the solid waste management authority so requires.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.340 Renewal of permit; operation of facility pending issuance of new permit.**

1. At least 120 days before a permit to operate a facility for the management of waste tires expires, the solid waste management authority shall send to the holder of the permit:

- (a) A notice which informs the holder that he must renew his permit to continue operations; and
- (b) An application to renew the permit.

2. The holder of a permit who wishes to renew his permit must:

- (a) Submit an application for renewal to the solid waste management authority at least 60 days before the permit expires;
- (b) Provide any information concerning the operation of the facility that was not submitted with his application for the initial permit or the renewal of the permit; and
- (c) Revise any information that has changed since he last submitted an application for the permit to the solid waste management authority.

3. If the solid waste management authority does not renew the permit before its expiration, the holder of the permit may continue to operate the facility pursuant to the terms and conditions of the permit until the solid waste management authority issues or denies a new permit.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**Operation of Facility for Management of Waste Tires**

**NAC 444A.350 Design and construction; attendants; equipment; final use of waste tires deposited at facility.**

1. The owner or operator of a facility for the management of waste tires shall:

- (a) Design and construct the facility to ensure that:

(1) Runoff of water from the surface of the property is directed away from the area used to store tires; and

(2) Waters of the state are protected from potential runoff resulting from extinguishing a fire at the facility. As used in this subparagraph, "waters of the state" has the meaning ascribed to it in NRS 445A.415.

(b) Control vectors to protect public health and welfare. As used in this paragraph, "vector" has the meaning ascribed to it in NAC 444.630.

2. If a facility for the management of waste tires receives tires from a person other than the operator of the facility, an attendant must be present when the facility is open for business.

3. Before the operator of a facility for the management of waste tires may begin operation of the facility, he shall ensure that each area where waste tires are cut, chipped, ground or otherwise altered has the equipment which is necessary to process waste tires in operating condition.

4. A facility for the management of waste tires must have a final use for the waste tires deposited or an available market for the material produced from processing the waste tires to ensure that at least 75 percent of the waste tires deposited are used or removed from the facility as processed material for recycling or disposal within 12 months after receipt.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.360 Storage of tires; compliance with regulations adopted by state fire marshal required.**

1. The owner or operator of a facility for the management of waste tires shall not store more than 5,000 passenger tire equivalents on the premises of the facility unless he has written approval from the solid waste management authority.

2. An owner or operator of a facility for the management of waste tires, upon request from the solid waste management authority, shall produce evidence that the facility complies with the provisions of chapter 477 of NAC.

3. Any area in which tires are stored outside of a building located at the facility must be enclosed with a fence that limits access to the area.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.370 Procedures to be used if fire occurs at facility.** The owner or operator of a facility for the management of waste tires shall adopt and carry out procedures to be used if a fire occurs at the facility. The procedures must include:

1. The name and telephone number of each person who will be notified if a fire occurs;

2. A list of the equipment to be used in response to a fire at the facility, the location of that equipment and the manner in which the equipment will be used if a fire occurs; and

3. A description of the procedure that must be followed if a fire occurs.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.380 Maintenance of records; availability of records for inspection by solid waste management authority.**

1. The owner or operator of a facility for the management of waste tires shall include in the records kept at the facility:

(a) Copies of the manifests required by NAC 444A.450; and

(b) The following information, if applicable:

(1) The number of passenger tire equivalents or tons of material processed from tires received, stored and shipped at the facility.

(2) The names and registration numbers of haulers of waste tires who transport each shipment to and from the facility. If a hauler is not required to be registered, the record must include his address.

(3) The origin of each shipment of waste tires to the facility and the destination of each shipment from the facility.

(4) A copy of the plan for financial assurance required by NAC 444A.410 and 444A.420.

2. The owner or operator of the facility shall maintain the records required by subsection 1 for at least 3 years, and make them available for inspection by the solid waste management authority during regular business hours.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.390 Annual report: Submission; contents.** The owner or operator of a facility for the management of waste tires shall submit an annual report to the solid waste management authority not later than March 1 of each year. The owner or operator shall:

1. Submit the report on a form prescribed by the solid waste management authority;

2. Include a summary of the information described in subsection 1 of NAC 444A.380 in the report; and

3. Include any other information in the report which is required by the solid waste management authority.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

### **Closure of Facility for Management of Waste Tires**

**NAC 444A.400 Notice of closure; removal of waste tires and material derived from waste tires.**

1. An owner or operator of a facility for the management of waste tires who wishes to close that facility shall:

(a) Prohibit public access to the facility; and

(b) Post a notice at the facility stating that the facility is closed and the name and address of the nearest facility for the management of waste tires.

2. Within 12 months after a facility for the management of waste tires is closed and, according to a schedule approved by the solid waste management authority, the owner or operator of the facility shall remove from the facility any waste tires and material derived from waste tires.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.410 Estimate of costs for closure; demonstration of financial assurance; modification of estimate of costs for closure.**

1. The owner or operator of a facility for the management of waste tires shall estimate the costs of processing and removing or disposing of all waste tires or material derived from waste tires at the facility. The owner or operator shall base his estimate on:

(a) The maximum amount of waste tires and material which is derived from waste tires stored at the facility at any time; and

(b) The possibility of having to hire another person to perform the work.

2. The estimate of costs must be approved by the solid waste management authority and revised annually to adjust for inflation.

3. The owner or operator of the facility shall demonstrate adequate financial assurance to close the facility based on the estimate of costs set forth in subsection 1.

4. The owner or operator of the facility shall increase the estimate of costs for closure and the amount of financial assurance provided if changes in the plan for closure or conditions at the facility increase the maximum costs of closure.

5. The owner or operator of the facility may reduce the estimate of costs for closure and the amount of financial assurance if the estimate of costs exceeds the maximum costs of closure at any time during which the facility will remain in operation. An owner or operator who wishes to reduce an estimate shall notify the solid waste management authority that the justification for reducing the estimate of costs for closure and the amount of financial assurance has been noted in the records required to be kept by NAC 444A.380.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.420 Mechanisms for demonstrating financial assurance; alternate plans for demonstrating financial assurance.**

1. Except as otherwise provided in subsection 2, the owner or operator of a facility for the management of waste tires shall demonstrate financial assurance in the manner prescribed in NAC 444.68525.

2. The solid waste management authority may approve an alternate plan for demonstrating financial assurance if the alternate plan complies with the requirements set forth in NAC 444.6859.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

**NAC 444A.430 Inspection of facility after notification of closure; notification concerning demonstration of financial assurance.** A solid waste management authority shall inspect a facility for the management of waste tires after it receives notification that closure of the facility has been completed. If the requirements of the plan for closure have been met, the solid waste management authority shall notify the owner or operator of the facility and the person who is providing financial assurance, in writing, that the person providing financial assurance is no longer required to continue to demonstrate financial assurance.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

### **Haulers of Waste Tires**

**NAC 444A.440 Registration number: Requirement; application; display.**

1. A hauler of waste tires shall obtain a registration number from the solid waste management authority by July 1, 1995, or 14 days before beginning operation, whichever is later. The hauler of waste tires shall display his registration number on the vehicle he uses to transport waste tires or material derived from waste tires.

2. Each hauler of waste tires who applies for a registration number must complete an application on a form prescribed by the solid waste management authority. The application must include the license number and the name of the registered owner of the vehicle used to transport waste tires or material derived from waste tires.

3. A registration number for a hauler of waste tires issued by a solid waste management authority must be recognized by any other solid waste management authority.

4. A hauler of waste tires who obtains a registration number pursuant to this section is required to comply with any other applicable requirements adopted by a local government for a permit.

(Added to NAC by Environmental Comm'n, eff. 12-15-94; A 10-3-96)

**NAC 444A.450 Manifest to transport waste tires: Contents; copies to certain persons; penalty for noncompliance.**

1. A hauler of waste tires shall initiate a manifest to transport waste tires from the place where he takes possession of the waste tires from a generator of waste tires to the place where he deposits the waste tires at a facility for the management of waste tires or a disposal site approved by the solid waste management authority. The manifest must include the:

(a) Name of the generator of the waste tires;

(b) Passenger tire equivalents or total tons of waste tires to be transported;

(c) Name and registration number of the hauler of waste tires;

(d) Date of transport;

(e) Destination of the waste tires;

(f) Number of tires sold for reuse, if any; and  
(g) Signatures of the generator of the waste tires, hauler of the waste tires and operator of the facility for the management of waste tires or disposal site approved by the solid waste management authority.

2. The hauler of waste tires shall:

(a) Provide the owner or operator of the facility for the management of waste tires or the disposal site approved by the solid waste management authority with a completed copy of the manifest; and

(b) Return a completed copy of the manifest to the generator of the waste tires not later than 30 days after the date the hauler of the waste tires takes possession of the waste tires.

3. A hauler of waste tires who fails to comply with the provisions of this section may be subject to enforcement action, including the revocation of his registration number.

(Added to NAC by Environmental Comm'n, eff. 12-15-94; A 10-3-96)

#### **NAC 444A.460 Semiannual reports: Submission; contents.**

1. A hauler of waste tires shall submit semiannual reports with the solid waste management authority. The first report must be submitted for the reporting period beginning on July 1, 1995, and ending on December 31, 1995. Subsequent reports must be submitted semiannually thereafter. The hauler shall submit each report within 30 days after the end of the reporting period on a form prescribed by the solid waste management authority. The report must include:

(a) The registration number of the hauler of waste tires;

(b) The type and quantity of waste tires collected during the reporting period;

(c) The destination of the waste tires collected; and

(d) The names of the generators of the waste tires or premises from which the waste tires were collected.

2. A hauler of waste tires who fails to comply with the provisions of this section may be subject to enforcement action, including the revocation of his registration number.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

### **Generators of Waste Tires**

#### **NAC 444A.470 Transportation of waste tires.**

1. Except as otherwise provided in subsection 2, a generator of waste tires shall not enter into a contract to have waste tires collected after July 1, 1995, with a person who is not a registered hauler of waste tires.

2. A generator of waste tires may haul the waste tires he generates or contract with a collector of solid waste who operates pursuant to a license issued by a local government to collect those waste tires. A generator of waste tires shall maintain receipts for the disposition of its waste tires for at least 3 years. The generator of waste tires shall make the receipts available for inspection by the solid waste management authority during regular business hours and shall list the number, weight or volume of waste tires disposed of in this manner.

(Added to NAC by Environmental Comm'n, eff. 12-15-94)

### **Program of State Agencies**

#### **NAC 444A.500 Separation, collection and recycling of paper and paper products; expansion of program; technical assistance; coordination of efforts. (NRS 232.007)**

1. A state agency shall provide for the separation, collection and recycling of paper and paper products that the agency generates in the course of its operations. To carry out this requirement, a state agency shall, for each facility it operates, determine:

(a) What recycling services are available locally for the collection or aggregation of paper and paper products;

(b) The types of paper and paper products for which recycling services are available;

(c) The types of paper and paper products generated by the agency for which recycling services are available;

(d) The cost to the agency, if any, or the reimbursement available to the agency, if any, for the paper and paper products separated by the agency; and

(e) Based on the information gathered pursuant to paragraphs (a) to (d), inclusive, what types of paper and paper products the agency should cause to be recycled at the facility.

2. Upon making its determination pursuant to subsection 1, a state agency shall take such actions at each of its facilities as are necessary to establish a system for the separation, collection, storage and transportation of the paper and paper products to be recycled. Such actions may include, without limitation:

(a) The placement of containers for the separation and aggregation of the paper and paper products in locations for the convenient use of all employees of the agency at the facility;

(b) If members of the public are commonly present at the facility of the agency and likely to generate recyclable paper and paper products, the placement of clearly labeled containers for use by the members of the public to separate the paper and paper products;

(c) Arrangements for the removal of the paper and paper products to a centralized location for collection; and

(d) Agreements with a service provider, or the assignment of such equipment and personnel as may be necessary, to transport the paper and paper products to a recycling center.

3. A state agency shall establish a program to encourage its personnel to recycle and to inform them how to recycle paper and paper products efficiently.

4. If a state agency determines that the cost to cause the recycling of paper and paper products generated by the agency at one of its facilities is unreasonable and would place an undue burden on the operations of the agency at that facility, the agency shall present supporting information to the chief of the budget division of the department of administration and request a waiver in accordance with NRS 232.007 from the requirement to recycle paper and paper products at the facility.

5. If a state agency determines that services are available locally for the recycling of recyclable materials generated by the agency other than paper and paper products, the agency may expand its program for recycling to include the recycling of those materials.

6. The division of environmental protection of the state department of conservation and natural resources shall, upon request from a state agency, provide technical assistance concerning the establishment of programs for recycling and the reduction of waste.

7. If a state agency is composed of more than one bureau, board, commission, department, division or office, the entities that compose the agency shall coordinate efforts to establish a single program for the recycling of paper, paper products and, if applicable, other recyclable materials.

8. As used in this section:

(a) "Paper" has the meaning ascribed to it in NRS 232.007.

(b) "Paper product" has the meaning ascribed to it in NRS 232.007.

(c) "Recyclable material" has the meaning ascribed to it in NAC 444A.100.

(d) "State agency" means every public agency, bureau, board, commission, department, division or office of the executive department of state government.

(Added to NAC by Environmental Comm'n by R039-01, eff. 10-25-2001)

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